



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT
SUCCESSOR AGENCY/HAYWARD HOUSING AUTHORITY MEETING
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 27, 2015, 7:00 p.m.

The Special Joint City Council/Redevelopment Successor Agency/Hayward Housing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RSA/HHA Member Márquez.

ROLL CALL

Present: COUNCIL/RSA/HHA MEMBERS Zermeño, Mendall, Jones, Peixoto,
Lamnin, Márquez
MAYOR/CHAIR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño asked staff to consider drought tolerant plants for the lawns at fire stations.

Council Member Márquez asked staff to provide the Council with an update on the General Plan.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session regarding four cases under pending litigation pursuant to Government Code 54956.9: (a) Anthony Radzanowski/City of Hayward; WCAB: ADJ8039473, ADJ8039463; (b) Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court No. BC452270; (c) Russell City Energy Company, LLC v. City of Hayward, Court of Appeal of the State of California, First Appellate District (Division Five) Case No. A14474949; and (d) Claim of Westchester Fire Insurance Company, on behalf of the Felson Companies, Inc. Regarding Item (a), the Council unanimously approved with Council Member Zermeño moving and Council Member Márquez seconding to resolve and compromise the claim; regarding Item (b), the Council unanimously approved with Council Member Mendall moving and Council Members Zermeño and Lamnin seconding to compromise the case; regarding Item (d), the Council unanimously approved with Council Member Zermeño moving and Council Member Mendall seconding to approve the settlement of the claim. There was no action taken related to Item (c).

PUBLIC COMMENTS

Mr. Tom Ballard, Hayward resident, reported there was a metal plate for construction work that was done on the east side of Mission Boulevard and expressed concern about the condition of the road on the southern end of Mission Boulevard.

Ms. Wynn Grich, Hayward resident, spoke about the incident at the Hayward Unified School District Board meeting; and she referred to documents about fluoridation and chlorine and their correlation to cancer.

Mr. Charlie Peters, with Clean Air Performance Professionals, referred to documents related to smog check and GMO fuel.

Mr. Jim Drake, Hayward resident, spoke about a Mexican restaurant at Franklin and Harder and its alcohol license.

Gilroy Council Member Peter Leroe-Muños announced a Silicon Valley Turkey Trot on November 26, 2015, and a 5k Run/Walk on December 13, 2015, in downtown San Jose.

Council Member Lamnin noted she represents the City on the League of California Cities-Employee Relations Policy Committee and was appointed to Vice Chair.

CONSENT

1. Approval of Minutes of the Special City Council Meeting on October 13, 2015 MIN 15-019

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting on October 13, 2015.

2. Adoption of two Resolutions Authorizing the City Manager to Execute Amendments to Agreements with 4Leaf, Inc., to 1) Continue to Provide Building Official Services, with a Revised Compensation Amount Not to Exceed \$115,000 and; 2) to Continue to Provide Building Inspection Services with a Revised Compensation Amount Not to Exceed \$120,000 CONS 15-265

Staff report submitted by Management Analyst Kim, dated October 27, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 15-198, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with 4Leaf, Inc., to Provide City Building Official Services"

Resolution 15-199, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with 4Leaf, Inc., to Provide City Building Inspection Services"



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3. Approval of Final Tract Map 8039 - Christos Mayrakis (Applicant) - East Bay Ventures Inc. (Owner); the Project is a Five-Lot Subdivision to facilitate the proposed Weber Light Industrial Manufacturing Park development on a Parcel Totaling 34.6 Acres located at 3596 Baumberg Avenue, southwest of the Union Pacific Railroad and adjacent to San Francisco Bay CONS 15-275

Staff report submitted by Contract Development Review Engineer Rei, dated October 27, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 15-200, "Resolution Approving Final Map for Tract 8039 and Authorizing the City Manager to Execute a Subdivision Agreement"

4. Adoption of Ordinance Repealing and Replacing Chapter 10 Article 12 of the Hayward Municipal Code Relating to Landscape Requirements for New and Rehabilitated Development Projects CONS 15-279

Staff report submitted by City Clerk Lens, dated October 27, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Ordinance 15-25, "Ordinance Repealing and Replacing Chapter 10 Article 12 of the Hayward Municipal Code Relating to Landscape Requirements for New and Rehabilitated Development Projects"

5. Adoption of Ordinance Amending Chapter 11, Article 2, Section 11.2.46 of the Hayward Municipal Code Relating to Dedicated Irrigation Service Meters CONS 15-280

Staff report submitted by City Clerk Lens, dated October 27, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Ordinance 15-26, "An Ordinance Amending Chapter 11, Article 2, Section 11.2.46 of the Hayward Municipal Code Relating to Dedicated Irrigation Service Meters"

6. Resolution Approving the Memorandum of Understanding between the City of Hayward and the International Federation of Technical Engineers, Local 21 CONS 15-302

Staff report submitted by Director of Human Resources Collins, dated October 27, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 15-201, "Resolution Approving the Memoranda of Understanding between the City of Hayward and the International Federation of Technical Engineers, Local 21"

PUBLIC HEARING

7. Proposed Subdivision and Construction of 24 single-family homes on a 1.9-acre site at 23645 and 23653 Eden Avenue, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development District, Vesting Tentative Tract Map 8242, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Tony Dutra, Dutra Enterprises, Inc. (Applicant/Owner), Ruben and Ruby Dorris (Owners) PH 15-073

Staff report submitted by Senior Planner Ajello, dated October 27, 2015, was filed.

Development Services Director Rizk announced the report and announced Senior Planner Ajello who provided a synopsis of the report.

Mayor Halliday opened the public hearing at 7:29 p.m.

Mr. Tony Dutra, project applicant, provided a brief PowerPoint presentation.

Ms. Jim Williams with KTG Group clarified the language under Building Elevations and Floor Plans related to the number of bedrooms and bathrooms.

Mayor Halliday closed the public hearing at 7:36 p.m.

Council Member Mendall offered a motion per staff recommendation and Council Member Zermeño seconded the motion.

Council Member Mendall recommended that, for future projects, it was important to note a project's fiscal impact not just the first year but for subsequent years and to also analyze



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parking requirements.

Council Member Zermeño seconded the motion and concurred with the recommendation.

Development Services Director Rizk noted that the Council was in receipt of an email communication from Mr. Howard Beckman related to Mitigation Measure 6. Mr. Rizk concurred with Mr. Beckman and recommended that Mitigation Measure 6 in the Mitigation Monitoring and Reporting Program be removed and incorporated in the Conditions of Approval.

Council Member Mendall and Zermeño were amenable to adding staff's recommendation to the motion.

Council Member Peixoto supported the motion and appreciated the amenities the project had given in exchange of the rezoning from Medium Density Residential District to Planned Development.

Council Member Lamnin supported the motion and appreciated the amenities included and the transparency about fees. Ms. Lamnin recommended that the language about parking be evaluated to protect the intent for garages and guest parking.

Council Member Márquez supported the motion and supported the option of a bedroom on the first level.

Council Member Jones supported the motion and urged folks to use garages for cars. Council Member Jones recommended that future development projects include more discussion about transportation alternatives.

Mayor Halliday concurred with Council Members about evaluating parking requirements in general.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with an amendment that would remove Mitigation Measure 6 from the Mitigation Monitoring and Reporting Program and add it to the Conditions of Approval to read as follows: "The developer shall cause to be recorded an avigation easement for each unit to the satisfaction of the Public Works Director, prior to occupancy."

Resolution 15-202, "Resolution Adopting an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map and Zone Change Application 201500856 Pertaining to the

Subdivision and Construction of Twenty-Four Detached Single-Family Homes at 23645 and 23653 Eden Avenue”

Introduction of Ordinance 15-, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201500856 Relating to the Construction of Twenty-Four Detached Single-Family Homes at 23645 and 23653 Eden Avenue”

8. Proposed Subdivision and Construction of eighteen Detached Single Family Homes on a 1.96 Acre Parcel located at 24178 and 24180 Saklan Road, requiring introduction of an ordinance and approval of a resolution for a zone change from Medium Density Residential (RM) to Planned Development (PD) district and a related Vesting Tentative Tract Map (No. 8226), and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program - Rick Rosenbaum, Lenox Homes, LLC (Applicant)/Ronald Depina Etal (Owner) PH 15-081

Staff report submitted by Associate Planner Emura, dated October 27, 2015, was filed.

Development Services Director Rizk announced the report and introduced Associate Planner Emura who provided a synopsis of the report.

Discussion ensued among Council Members and City staff about the proposed project, and the implementation responsibility in the mitigation measures.

Mayor Halliday opened the public hearing at 8:05 p.m.

Mr. Rick Rosenbaum, project applicant with Lenox Homes, LLC., spoke about the proposed project. In response to Council Member Peixoto’s inquiry about assistance with the Homeowners’ Association (HOA) and Covenant, Conditions & Restrictions (CC&Rs,) Mr. Rosenbaum noted the developer would train the homeowners.

Mayor Halliday closed the public hearing at 8:11 p.m.

Council Member Peixoto offered a motion per the staff recommendation noting he appreciated the proposal’s features.

Council Member Zermeño seconded the motion.

Council Member Mendall supported the motion and appreciated the tankless water heaters and electrical vehicle chargers in garages and hoped to see such amenities in future proposals as well.



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Council Member Márquez supported the motion, appreciated the proposed amenities, and urged the developer to market the project enhancing its close proximity to educational establishments.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 15-203, “Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application and Zone Change Application 201400543 Pertaining to the Development of Eighteen Attached and Detached Single-Family Homes at 24178 and 24180 Saklan Road”

Introduction of Ordinance 15-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400543 Relating to a Residential Development at 24178 and 24180 Saklan Road”

9. Proposed Subdivision and Construction of Two Single Family Detached Homes on a 0.24 acre site located at the northeast corner of Madsen Street and Martin Luther King Drive, Requiring Adoption of a Resolution Approving a Modification of the Precise Development Plan for the Cannery Area Development and Vesting Tentative Parcel Map 10373; Mark Tiernan for SCS Development (Applicant and Owner) PH 15-084

Staff report submitted by Planning Manager Buizer, dated October 27, 2015, was filed.

Development Services Director Rizk announced the report and introduced Planning Manager Buizer who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the proposed development and the original plan for the Cannery Area Design Plan which included space for retail.

Mayor Halliday opened the public hearing at 8:35 p.m.

Ms. Rochelle Hooks, Madsen Street resident, encouraged the Council to consider a community amenity or a commercial component for the proposed site.

Mr. Mark Tiernan, project applicant with SCS Development Citation Homes, spoke about the proposed site and noted that efforts to bring a retail component to the Cannery Area Development were not successful.

Ms. Jacquelyn Young, Madsen Street resident, urged the Council to consider a different alternative for the proposed site such as a community garden or additional parking.

Mayor Halliday closed the public hearing at 8:53 p.m.

Council Member Mendall urged the applicant to turn the proposed site into a community amenity that was promised to the neighborhood such as public art, a community garden, or additional parking. Council Member Mendall noted he could not support the staff's recommendation.

Council Member Jones noted he could not accept staff's recommendation and noted that some sites needed to be preserved for future retail development. Council Member Jones added that if retail was not viable, the site should be preserved to serve the neighborhood such as a community garden or additional parking.

Council Member Lamnin offered a motion to deny the staff's recommendation. Council Member Mendall seconded the motion.

Council Member Lamnin noted the site was an opportunity site and encouraged City staff to work with the developer to find an amenity that would support the neighborhood and the community at large.

Council Member Zermeño supported the motion and recommended a neighborhood meeting center as an alternative for the site.

Council Member Márquez supported the motion noting this was an opportunity for the developer to work with the economic development team to consider other alternatives for the site.

Mayor Halliday appreciated the discussion and concurred with the Council in encouraging the developer and staff to reevaluate the proposed site and consider an amenity that can be used by the community such as a recreational/meeting room or a community garden.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to reject the staff's recommendation.

10. Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of: a) a Resolution Authorizing the Issuance of Bonds, Declaring the City's Intent to Reimburse Certain Project Expenditures from Proceeds of the Bonds, and Authorizing the Submission of an Application to the California Debt Limit Allocation Committee; b) a Resolution Authorizing the Restructuring of Existing Loans, All in Connection with Financing the Acquisition and Rehabilitation of Glen Berry and Glen Eden Both Housing



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Developments Owned by affiliates of Eden Housing; c) a Resolution Authorizing the Transfer of Interests in a Regulatory Agreement in Connection with the Glen Berry Development from the Successor Agency to the Housing Authority; d) a Resolution Accepting the Transfer of Interests in a Regulatory Agreement in Connection with the Glen Berry Development from the Successor Agency to the Housing Authority and Authorizing Modification of said Regulatory Agreement; and e) a Resolution Authorizing Modification of a Regulatory Agreement Recorded Against the Glen Eden Development. Exempt from the California Environmental Quality Act pursuant to Section 15301 of the "CEQA" Guidelines PH 15-091

Staff report submitted by Housing Development Specialist Cortez, dated October 27, 2015, was filed.

Library and Community Services Director Reinhart announced the report and introduced Housing Development Specialist Cortez who provided a synopsis of the report.

Discussion ensued among Council/RSA/HHA Members and City staff regarding the staff's recommendation.

There being no public comments, Mayor/Chair Halliday opened and closed the public hearing at 9:24 p.m.

Council/RSA/HHA Member Zermeño offered a motion per staff recommendation. Council/RSA/HHA Member Márquez seconded the motion.

Council/RSA/HHA Member Lamnin offered a friendly amendment to strongly recommend energy-efficiency improvements for rehabilitation work and local hiring to assist in the rehabilitation construction work.

Council/RSA/HHA Members Zermeño and Márquez concurred with the friendly amendment.

Council/RSA/HHA Member Lamnin requested that staff evaluate the loans to fund properties.

Council/RSA/HHA Member Peixoto did not support the friendly amendment because he did not think it was necessary for the issuance of the bonds.

Mayor/Chair Halliday supported the motion and the friendly amendment.

It was moved by Council/RSA/HHA Member Zermeño, seconded by Council/RSA/HHA Member Márquez, and carried with Council/RSA/HHA Member Peixoto voting no to adopt the following with a friendly amendment to strongly recommend energy-efficiency improvements for rehabilitation work and local hiring to assist in the rehabilitation construction work:

Resolution 15-204, “Resolution of the City Council of the City of Hayward Declaring an Official Intent to Reimburse Certain Expenditures from Proceeds of Qualified Residential Rental Project Bonds, Authorizing an Application to the California Debt Limit Allocation Committee to Permit the Issuance of Qualified Residential Rental Project Bonds and Approving the Issuance of Qualified Residential Rental Project Bonds in Accordance with Section 147(f) of the Internal Revenue Code”

Resolution 15-205, “Resolution of the City Council of the City of Hayward Approving the Restructuring of Certain Loans to Promote the Rehabilitation of the Glen Eden and Glen Berry Developments”

Redevelopment Successor Agency Resolution 15-08, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Authorizing the Transfer of Interests in a Regulatory Agreement in Connection with the Glen Berry Development to the Housing Authority”

Hayward Housing Authority Resolution 15-03, “Resolution of the Housing Authority of the City of Hayward Accepting the Transfer of Interests in a Regulatory Agreement in Connection with the Glen Berry Development and Authorizing Modification of the Regulatory Agreement”

Hayward Housing Authority Resolution 15-04, “Resolution of the Housing Authority of the City of Hayward Authorizing Modification of a Regulatory Agreement for the Glen Eden Project”

LEGISLATIVE BUSINESS

11. Approval of a Memorandum of Understanding with the County of Alameda and Hayward Area Recreation and Park District for the Purposes of Collaborating on the South Hayward Youth and Family Center Project LB 15-038

Staff report submitted by Library and Community Services Director Reinhart, dated October 27, 2015, was filed.

Library and Community Services Director Reinhart provided a synopsis of the report.

Discussion ensued among Council Members and City staff concerning the draft Memorandum of Understanding; the governance group and its role making decisions; the advisory group and



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its role making recommendations to the governance group; the construction cost and ongoing annual operating costs; and appointments to the advisory group.

Mayor Halliday opened the public hearing at 9:52 p.m.

Ms. Karen Norell, Hayward resident and La Familia Counseling Service employee, spoke on behalf of La Familia CEO Ortiz and encouraged the Council to support the proposed Memorandum of Understanding and noted that La Familia would be interested in becoming a member of the advisory group.

Mayor Halliday closed the public hearing at 9:55 p.m.

Council Member Zermeño offered a motion per staff recommendation. Council Member Márquez seconded the motion.

Council Member Mendall supported the motion.

Mayor Halliday and Council Members commended Supervisor Richard Valle for his efforts identifying funding. Mayor Halliday also thanked City staff, Alameda County, and Hayward Area Recreation and Park District, and service providers.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the Memorandum of Understanding between the City of Hayward and County of Alameda and Hayward Area Recreation and Park District.

CITY MANAGER'S COMMENTS

City Manager David made two comments: 1) the construction of the new library is expected to begin in early November and there is a live "construction cam" on the site; 2) the development of the Neighborhood Traffic Calming Program began and there would be public outreach meetings with the first one scheduled on October 28, 2015 at City Hall.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez acknowledged California State University East Bay, Chabot College and high school students who consistently attend clean-up events organized by the Keep Hayward Clean and Green Task Force.

Mayor Halliday noted she was in China formalizing sister city arrangements between the cities of Hayward and Yixing in China, and noted that there would a formal presentation about the trip at a future Council meeting.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:04 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward